

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SIMPLEAIR, INC.,)	
)	
Plaintiff)	
)	Civil Action No. 2:11-cv-00416-DF
v.)	
)	JURY TRIAL DEMANDED
MICROSOFT CORPORATION, et al.,)	
)	
Defendants.)	

MICROSOFT CORPORATION's MOTION FOR MORE DEFINITE STATEMENT

Defendant MICROSOFT CORPORATION previously filed *Dkt. No. 53* in this matter on December 19, 2011 requesting that this matter be dismissed. In the alternative, Microsoft moves for a more definite statement under Fed. R. Civ. P. 12(e), and requests that the Court order SimpleAir to provide a more definite statement as to the accused methods. See, e.g., *Phoenix Licensing, L.L.C. v. Allstate Corporation, et. al.*, No. 2:09-CV-255, slip op. at 4 (E.D. Tex. April 19, 2010) (Ward, J.). Without a more definite statement, Microsoft is left unsure of how to form its answer to SimpleAir's complaint because the complaint does not sufficiently inform Microsoft of what is being accused of infringement.

Conclusion

Given that SimpleAir does not include any allegations nor causes of actions other than its direct-infringement allegations, its entire Complaint should be dismissed, which Microsoft respectfully requests. The text of a proposed order is attached.

Dated December 20, 2011

Respectfully Submitted,

By: /s/ Melissa R. Smith

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Attorneys For Defendant Microsoft Corporation

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on December 20, 2011 all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Melissa R. Smith

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that the undersigned conferred with counsel for Plaintiff on December 20, 2011 and states that Plaintiff opposes the filing of this motion.

/s/ Melissa R. Smith